

Chapter A-V 6

DISTRICT BUDGET LIMITATIONS APPEALS PROCESS

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Note: Chapter A-V 6 was created as an emergency rule effective June 13, 1978.

A-V 6.01 Purpose and application of rules. These rules shall apply in all proceedings and hearings before the board on matters pertaining to appeals from district budget limitations.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79; am. Register, February, 1981, No. 302, eff. 3-1-81.

A-V 6.02 Definitions. The definitions contained in chs. A-V 1 and A-V 4, Wis. Adm. Code, and the following apply to this chapter:

(1) **APPEAL.** Appeal means an application in the format required by s. A-V 4.09, Wis. Adm. Code, requesting the board to conduct a hearing to consider arguments, receive testimony, admit exhibits, and inquire into the necessity of exceeding district budget limitations as specified in s. 38.29, Stats.

(2) **DEVELOPMENT.** Development means the direct costs associated with conducting a course(s) during the fiscal year in which students are first enrolled and attending the course(s).

(3) **NEW.** New means that the course(s) has never been offered by the district in the past.

(4) **EXPANDED.** Expanded means one or more additional sections of a currently offered course which is designed so the majority of enrollments are members of one of the specified target groups.

(5) **PROGRAM.** Program means one or more integrated courses which supply the student with knowledge, skill or competencies needed to achieve occupational goals. Successful completion usually provides the student with a certificate, degree or diploma.

(6) **PRIMARILY.** Primarily means that the majority of students enrolled are members of one of the specified target groups.

(7) **TARGET GROUPS.** Target groups means the specified categories under s. 38.29 (3) (a), Stats.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79; am. (intro.) and (1), Register, February, 1981, No. 302, eff. 3-1-81.

A-V 6.03 Submission of appeals. (1) Any district may file an appeal with the board pursuant to s. A-V 4.09, Wis. Adm. Code, provided the district board has passed a resolution to that effect, and the requirements and deadlines listed in (2) to (4) are met.

(2) Appeals must be received by the board either:

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(a) For the next fiscal year prior to July 1, together with a printed or duplicated copy of its approved annual budget document for the upcoming fiscal year, a copy of the projected cost allocation schedule for the same fiscal year, other information in the format required by the board; or

(b) For the current fiscal year by February 1 together with the information required in par. (a) and sub. (4) (a), and the student FTE records for all courses in which students are first scheduled to attend a class before January 1 including the previous summer session.

(3) The appeal shall stipulate the specific items being appealed under s. 38.29 (3), Stats., together with dollar amounts and documentation for each. Such substantiating justification shall include evidence as to why and how the budget limitations, based on comparison of the cost allocation schedules required under subs. (2) and (4), would prevent support for the items specified under s. 38.29 (3), Stats.

(4) Appeal hearings will be scheduled either:

(a) In September following receipt, prior to September 1, of the previous year's actual cost allocation schedules; or

(b) In February following receipt of the appeal received by February 1 and the information required in sub. (2) (b).

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79; am. February, 1981, No. 302, eff. 3-1-81.

A-V 6.04 General provisions. (1) Terms, definitions and procedures shall be as specified in the current vocational, technical and adult education uniform financial accounting manual (see s. 38.04 (11), Stats.) unless otherwise specified by statute or rule.

(2) Current year adjustments, including the reduction of net aidable cost by any nonfederal operational expenditures in excess of those authorized under s. 38.29 (3), shall be made under the general provisions of s. 38.28 (2) (b) 4.

(3) The board shall determine, as an integral part of its appeal hearing decision, specific dollar amounts by which a district may exceed its otherwise allowable budget for s. 38.29 (3) (a) through s. 38.29 (3) (d).

(4) Heat and utility cost increases, appealable under s. 38.29 (3) (b), shall be expressed as a comparison between prior year and budgeted year cost stated as a percentage increase in total dollars. Anticipated cost increases may be used only if an official announcement has been made by the vendor, including the effective date and specific price change.

(5) Cost increases which may be appealed under s. 38.29 (3) (c) are limited to additional cost for operation and maintenance of a new or remodeled facility. Only Function 7 (Physical Plant) costs will be considered; exclusions include debt retirement, interest and telephone services.

(6) Appeals under s. 38.29 (3) (d) shall be limited to costs resulting from decisions of judicial or quasi-judicial authorities, or an order of a federal or state agency, except that of the WBVTAE. Eligibility-for-

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funding requirements shall not constitute grounds for appeals under this section.

(7) Proposed decisions on district budget limitation appeal hearings conducted under s. 38.29, Stats. shall be communicated to local districts by October 15 and March 15.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79; am. (1) and (7), Register, February, 1981, No. 302, eff. 3-1-81.

A-V 6.05 Appeal hearing. The hearing shall be conducted pursuant to ch. 227, Stats., and ch. A-V 4, Wis. Adm. Code.

History: Cr. Register, March, 1979, No. 279, eff. 4-1-79; r. and recr. Register, February, 1981, No. 302, eff. 3-1-81.